

MRS. SHIZUKO YAMANE

JULY 2, 1951.—Committed to the Committee of the Whole House and ordered to be printed

Mr. GOSSETT, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany H. R. 644]

The Committee on the Judiciary, to whom was referred the bill (H. R. 644) for the relief of Mrs. Shizuko Yamane, the wife of Kanichi John Yamane, a United States citizen, may be admitted to the United States for permanent residence if she is found to be otherwise admissible under the provisions of the immigration laws.

The amendment is as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

That notwithstanding the provisions of section 13 (c) of the Immigration Act of 1924, as amended, Mrs. Shizuko Yamane, the wife of Kanichi John Yamane, a United States citizen, may be admitted to the United States for permanent residence if she is found to be otherwise admissible under the provisions of the immigration laws.

PURPOSE OF THE BILL

The purpose of this bill is to facilitate the admission into the United States of the Japanese wife of a citizen of the United States and the mother of three United States citizen children. The bill is amended in accordance with established precedents.

GENERAL INFORMATION

The pertinent facts in this case are contained in a letter dated April 25, 1951, from the Deputy Attorney General to the chairman of the Committee on the Judiciary, which letter reads as follows:

APRIL 25, 1951.

Hon. EMANUEL CELLER,

*Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.*

MY DEAR MR. CHAIRMAN: This is in response to your request for the views of the Department of Justice relative to the bill (H. R. 644) for the relief of Mrs. Shizuko Yamane, an alien.

The bill would provide that, notwithstanding the provision of law excluding from admission to the United States persons of races ineligible to citizenship, Mrs. Shizuko Yamane, Japanese wife of Kanichi John Yamane, a citizen of the United States, and the mother of three United States citizen children, shall be admitted to the United States for permanent residence upon application hereafter filed and without presenting an immigration visa or other travel documents, if she is otherwise admissible under the immigration laws. It would also direct the Secretary of State to instruct the quota-control officer to deduct one number from the appropriate immigration quota.

The files of the Immigration and Naturalization Service of this Department disclose that Mrs. Yamane is a native and citizen of Japan, having been born in Hiroshima Ken, Japan, on March 15, 1911. She is presently residing in her native country. Her husband, Mr. Kanichi (John) Yamane, is a native-born citizen of the United States who was born in Hawaii in 1904. He stated that he resided in Japan from the age of 10 until he was 27 years of age, when he returned to this country, where he has since resided with the exception of visits to Japan in 1947 and 1948. Mr. and Mrs. Yamane were married in 1927 or 1928 and have three children, who are presently residing with Mr. Yamane in Gardena, Calif. The children returned to the United States in 1948. Mrs. Yamane resided in this country from 1935 until 1938. Mr. Yamane advised that he is a partner with three brothers in a business, the net worth of which is about \$117,000.

It is noted that the bill as drafted would provide for the admission to the United States of the alien without the presentation of an immigration visa or other travel documents, thus placing the determination of her admissibility to this country as a permanent resident entirely upon the immigration and naturalization officials at the port of entry, and making no provision for investigation by United States Government officials located in the country of her present residence.

Mrs. Yamane, being of the Japanese race, is ineligible for naturalization under section 303 of the Nationality Act of 1940 and thus is inadmissible to the United States for permanent residence under section 13 (c) of the Immigration Act of 1924. In the absence of general or special legislation she may not be admitted to this country for permanent residence.

Whether, under the circumstances in this case, the general provisions of the immigration laws should be waived presents a question of legislative policy concerning which this Department prefers not to make any recommendation. If the measure should receive favorable consideration by the committee, however, it is suggested that it be amended by deleting all after the enacting clause and substituting the following:

"That, in the administration of the immigration and naturalization laws, the provisions of section 13 (c) of the Immigration Act of 1924 (U. S. C., title 8, sec. 213 (c)) which excludes from admission to the United States persons who are racially ineligible to citizenship shall not hereafter apply to Mrs. Shizuko Yamane, the Japanese wife of Kanichi John Yamane, a citizen of the United States, and the mother of three United States citizen children, and that the said Mrs. Shizuko Yamane may be permitted to enter the United States as a nonquota immigrant, if otherwise admissible for permanent residence, upon the presentation of the documents required by the immigration and naturalization laws for an alien to be admitted to the United States for permanent residence.

Yours sincerely,

PEYTON FORD,
Deputy Attorney General.

Having considered all the facts in this case, the committee is of the opinion that H. R. 644, as amended, should be enacted and it accordingly recommends that the bill do pass.